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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,362	06/27/2003	Akm Kamrul Alam	END920030036US1	8152
26502	7590	01/30/2007		
IBM CORPORATION IPLAW IQ0A/40-3 1701 NORTH STREET ENDICOTT, NY 13760			EXAMINER VU, TUAN A	
			ART UNIT	PAPER NUMBER
			2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/609,362	<b>Applicant(s)</b> ALAM, AKM KAMRUL	
	<b>Examiner</b> Tuan A. Vu	<b>Art Unit</b> 2193	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the Applicant's response filed 11/22/06.

As indicated in Applicant's response, claims 1, 5 have been amended; claims 2, 6 canceled, and claims 9-17 added. Claims 1, 3-5, 7-17 are pending in the office action.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 11/22/06 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it appears like a statement of facts declaration but is not accompanied with any hardcopy or evidential support to what is being stated therein, nor is it signed. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

#### ***Specification***

3. The disclosure is objected to because of the following informalities: the 'is processing' in the first line of the second paragraph, pg. 15 should be corrected because the 'is' should be 'its' to yield a proper semantic.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-5, 7-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Crespo et al., USPubN: 2003/0046682 (hereinafter Crespo – now patented as USPN: 6854112).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

**As per claim 1**, Crespo discloses a computer program product for installing applications on a server (e.g. *target machine 112 (...workstation or server)* - para 0067, pg. 3; *target machine ... as a server* – para 0092, pg. 4), said program product comprising:

a computer readable medium; a multiplicity of program objects (e.g. *file functions 404, driver 410* – Fig. 4; *assigned functions* – para 0105, pg. 5) to install a respective multiplicity of the applications on said server (para 0113-0117, pg. 6 – Note: reading SRC file associating response files and function specific scripts to install middleware product or SD packages reads on applications on said target server);

first program instructions to determine a plurality of said program objects which currently have prerequisite parameters (e.g. para 0081, pg. 4; Fig. 9; para 0107-0108, pg. 6; Fig. 10; depending ... this parameter – para 0117, pg. 6) for their respective applications;

second program instructions to invoke said plurality of program objects (e.g. *package ... to be loaded ... queries ... configuration database* - para 0105, pg. 5; Fig. 8-9); and

wherein one of said plurality of program objects, after installation of one said application, invokes another of said program objects (e.g. para 0113-0117, pg. 6; Fig. 8, 10), to install another of said applications, supplying a prerequisite parameter (e.g. Fig. 8-10) for said other program object needed to install said another application; and wherein said one program object generated said parameter based on installation of said one application ( e.g. Fig. 8; *package ... to be loaded ... queries ... configuration database* - para 0105, pg. 5); and

wherein said program objects and said first and second program instructions are recorded in functional form on said medium (Fig. 1, Fig. 2).

**As per claim 3**, Crespo discloses program instructions to prompt a user to furnish parameters ( e.g. para 0019, pg. 2; para 0084, pg. 4; *enters the machine name* - para 0089, pg. 4 ; para 0112, pg. 6) for said plurality of program objects; and wherein said third program instructions are recorded on said medium.

**As per claim 4**, Crespo discloses computer program product as set forth in claim 1 wherein

a first one of said plurality of program objects installs distributing computing software (e.g. Distribution package - para 0113-0117, pg. 6),

a second one of said plurality of program objects installs data base management software (e.g. *modify action ... database* – para 0098, pg. 5 – Note: Function as persisted in SD Package to effect change to a database reads on DB management software – see para 0102, 0103) and

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a third one of said plurality of program objects installs prerequisite software for WWW server software (para 0113-0117, pg. 6; Fig. 11; para 0067, pg. 3; para 0092, pg. 4; Fig. 10).

**As per claim 5**, Crespo discloses a computer system for installing applications on a server, said system comprising

a processor;

a multiplicity of program objects recorded on a computer readable media; to install a respective multiplicity of applications on said server (re claim 1); and means for

determining a plurality of said program objects which currently have prerequisite parameters for their respective applications ( re claim 1); and invoking said plurality of program objects ( re claim 1);

wherein at least one of said plurality of program objects, after installation of one said application, invokes another of said program objects (e.g. para 0113-0117, pg. 6; Fig. 8, 10), to install another of said applications, supplying a prerequisite parameter (e.g. Fig. 8-10) for said other program object needed to install said another application; and wherein said one program object generated said parameter based on installation of said one application ( e.g. Fig. 8; *package ... to be loaded ... queries ... configuration database* - para 0105, pg. 5);

all of which limitations having been addressed on claim 1.

**As per claims 7-8**, the subject matter therein corresponds to that of claims 3-4; hence these will incorporate the respective rejection as set forth therein.

**As per claim 9**, Crespo discloses a computer program product as set forth in claim 1 wherein one of said program objects, during installation of one of said applications,

configures a remote database (e.g. Configuration Database ... during installation- para 0068, pg. 3; Fig. 2; para 0098, pg. 5; para 0102, pg. 5) by setting up a TCP/IP port on said server, said port to be used by said server to access said remote database using TCP/IP communications (e.g. IP address – para 0110, pg 6 - Note: any remote procedure reads on TCP/IP communication set up by the invoking call),

said one program object testing connectivity to said remote database via said port by sending a signal to said remote database via said port and determining if a response is received (e.g. *response files* – para 0117, pg. 6; *delivery status ... links between machines* - para 0077, 0079, pg. 4; *status of servers* – para 0016, pg. 1; *status 'Available' assigned location ... will download* – para 0105, pg. 5).

As per claim 10, Crespo discloses wherein said one program object passes locally cataloged database information, corresponding to said remote database, to another of said program objects (e.g. Fig. 8-10; *queries* - para 0105, pg. 5) for use in installing another of said applications.

As per claim 11-12, refer to claims 9-10, respectively.

As per claim 13, Crespo discloses computer system for installing computer programs in a computer, said system comprising:

a processor;

a program tool, stored in functional form on a computer readable media and executable on said processor, to install and configure one of said computer programs in said computer (para 0014-0017, pg. 1; SDCONF, SRC - para 0107, pg. 6), and afterward, install and configure another of said computer programs in said computer, said program tool based on installation

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and/or configuration of said one computer program (para 0113-0117, pg. 6 – Note: SRC file, response files and scripts reads on based on configuration of program being used afterward) generating a prerequisite parameter (Fig. 8-9; *package ... to be loaded ... queries ... configuration database* - para 0105, pg. 5; Fig. 8) for installation and/or configuration of said other computer program;

and means for invoking ( Note: code to process a package or to run process to resolve parameter requirements reads on means for invoking, see Fig. 2; para 0105, pg. 5) said program tool to install and configure said one computer program in said computer and generate said prerequisite parameter based on installation and/or configuration of said one computer program, and afterward, install and configure said other computer program using said prerequisite parameter ( para 0105, pg. 5; Fig. 8-9).

**As per claim 14**, Crespo discloses computer system as set forth in claim 13 wherein, during installation and configuration of one of said computer programs, said program tool configures a remote database by setting up a TCP/IP port on said computer, said port to be used by said computer to access said remote database using TCP/IP communications, said program tool testing connectivity to said remote database via said port by sending a signal to said remote database via said port and determining if a response is received ( re claim 9), and in response to a successful test, said program tool installing and configuring another of said computer programs ( Note: using response file to complete installation – see para 0117, pg. 6; Fig. 9; *status 'Available' assigned location ... will download* – para 0105, pg. 5 -- reads on successful test being based on to finish the configuration of another program from the list of action in the script).



**As per claim 15**, Crespo discloses wherein said computer system comprises said computer; and said media is part of said computer ( Fig. 1).

**As per claim 16**, Crespo discloses computer program product for installing computer programs in a computer, said computer program product comprising:

a computer readable media;

a program tool to install and configure one of said computer programs in said computer, and afterward, install and configure another of said computer programs in said computer, said program tool based on installation and/or configuration of said one computer program generating a prerequisite parameter for installation and/or configuration of said other computer program; and

a control program to invoke said program tool to install and configure said one computer program in said computer and generate said prerequisite parameter based on installation and/or configuration of said one computer program, and afterward, install and configure said other computer program using said prerequisite parameter; and wherein said program tool and said control program are stored in functional form on said computer readable media;

all of which limitations having addressed in claim 13.

**As per claim 17**, refer to claim 14.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tuan A Vu', with a long horizontal flourish extending to the right.

Tuan A Vu  
Patent Examiner,  
Art Unit 2193  
January 23, 2007